



## MINUTES

### **The Governor's Citizen's Traffic Stop Advisory Board**

**February 22, 2008**

**State Capitol Executive Tower, Conference Room 6A  
1700 W. Washington Street, Phoenix, AZ 85007**

**Members Present:** Chairman Mel Hannah, Supervisor Liz Archuleta, Luis Fernandez, Zoe Hammer Tomizuka, Lorenzo Jones, Tom Mildebrandt,

**Teleconference Members:** None

**Excused/Absent:** Jean-Jacques "J" Cabou, Sal Rivera, Orlenda Roberts

**Staff:** Dora Vasquez, Director, Governor's Office of Boards and Commissions, Laurretta Ayres, Governor's Office of Boards and Commissions

**Guest:** Chief Michael Longman, DPS, Dan Pochoda, ACLU

**1. Introduction of Advisory Board Members/Call to Public:** Chairman Mel Hannah called the meeting to order at 1:00 p.m. Chairman Hannah asked board members to introduce themselves.

Call to Public: None

**2. Approval of Minutes, December 14, 2007:** Chairman Hannah asked if there was any discussion regarding the minutes. There were no questions from the Board.

**ACTION:** Board member Archuleta motioned to approve the minutes; board member Jones seconded the motion, and the motion passed unanimously.

**3. Subcommittee Reports:** Board member Archuleta had no Public Outreach Subcommittee report. Board member Fernandez Policy Review Subcommittee report of January 17, 2008 was submitted.

The board discussed the report and recommendations to create subcommittees. These subcommittees included the following:

1. Hiring
2. Policy and Practices
3. Law Enforcement
4. Community Relations
5. Training Policies

The board concurred that the development of the subcommittees would be included in recommendations to the governor. After further discussion regarding the membership and structure of the committees the board agreed to synthesize the five committees into three committees.

1. Hiring, training, policy and practices
2. Community Relations
3. Internal Review, including adherence to the lawsuit stipulation.

In regard to the membership of each committee the board agreed that there should be five members on each committee. Two at-large public members, one member recommended by the ACLU and one member representing the law enforcement community.

Supervisor Archuleta stated that her recommendation would be that the committee be made up with folks that have the types of backgrounds and professions associated with each subcommittee as well as regular citizens that provide diversity.

Board member Mildebrandt was adamant that DPS have representation on each subcommittee.

Director Vasquez stated that the executive order creating the board specifically stated that DPS employees could not serve on the board.

Dr. Fernandez stated that the board could involve DPS in the selection process for sub-committee members so that there are no contentions as to the fairness of those particulars.

The Board agreed that DPS employees would not be included as members of the subcommittees after a review of executive order 2006-12, section 4:

The *Board* shall not be comprised of any of the following:

- DPS employees;
- Attorneys to the Litigation or persons who served as an expert for either party to the litigation; or
- Persons involved in any civil or criminal lawsuits involving claims of racial profiling.

The Board however did agree that law enforcement representatives from other police and law enforcement agencies could be included.

Mildebrandt stated that he wanted legal counsel to review the executive order and provide an opinion to the board, as Vasquez is not an attorney.

DPS Chief Mikel Longman stated that he would perceive the role of DPS on the subcommittees to be similar to his role in working with the board. For example: if a subcommittee was examining hiring practices then a representative from DPS' Human Resources Department would attend the meeting afforded the opportunity to participate in discussions regarding a particular topic.

Director Vasquez asked Chairman Hannah if the Board members would serve on the subcommittees, after a brief discussion the board agreed that two members of the board would be assigned to each subcommittee increasing the subcommittee size to seven members. Vasquez asked if one member should be a representative of the ACLU and the other a public member serving on the board.

Chairman Hannah said that was a good point and board members volunteered to serve on the three committees. Assignments are as follows:

1. Hiring, training, policy and practices
  - Zoe Hammer Tomizuka
  - Orlenda Roberts
2. Community Relations
  - Lorenzo Jones
  - Liz Archuleta
3. Internal Review, including adherence to the lawsuit stipulation
  - Luis Fernandez
  - Tom Mildebrandt

The board discussed the selection process for subcommittee members and requested that Director Vasquez prepare a news release on behalf of the board announcing the creation of the subcommittees and inviting folks to submit resumes. The board members assigned to each subcommittee would review the resumes and at the next meeting of the board make recommendations to the entire board as to who should be selected to serve.

**ACTION:** The board withheld formalizing the discussion with a motion until completion of the Agenda Item 4.

**4. Work Session to Develop Recommendations for DPS Policy and Procedures Related to Racial Profiling:** Chief Longman gave a presentation on the Summary of DPS Racial Profiling Settlement Agreement. A copy is in the file.

Dan Pochoda gave a presentation on Driving While Black or Brown: An Analysis of Racial Profiling in Arizona. A copy is in the file.

There was a general discussion regarding issues related to the board and how to put them into practice.

**ACTION:** Board member Archuleta moved to formalize the discussion during agenda item 3 into recommendations to the governor. The motion was amended to include additional recommendations that were discussed related to the presentations made by Chief Mikel Longman and Dan Pochoda, ACLU and another subcommittee to address issues related consent searches and the collection of data. This committee will be named the Best Practices Subcommittee with Chairman Hannah and J Cabou serving on the committee.

The final recommendations include the following:

- The creation of four subcommittees
- A statement regarding the need for more funding for the installation of traffic cameras, acknowledging that budget restraints impact the ability of DPS to monitor officers. In addition, DPS should increase public awareness regarding the use of traffic cameras in patrol cars and on the interstates and high profile transportation corridors, perhaps through a public awareness campaign.
- A statement of concern regarding a statement by DPS that all racial profiling complaints are zero sustained. In addition to the statement the board recommends that an outside entity such as the Civil Rights Section of the Attorney Generals Office conduct an independent review/survey of complaints.
- A statement of concern regarding the collection of data and the DPS system for records management. Of particular concern to the board is data collection related to consent searches. The Board will direct a subcommittee to review data the current DPS consent form #802-04042 and provide feedback specific to the simplicity of language and clarity of message.
- A subcommittee assignment to review the ACLU report, *Driving While Black or Brown: An Analysis of Racial Profiling in Arizona*, dated January 2008. Specifically the subcommittee will provide analysis of the recommendations and provide recommendations to the board based on the report.
- A statement regarding the boards accomplishments to date, including the board's advise to DPS to enhance the DPS website to include the availability on an on-line racial profiling complaint form.

- Inclusion of the DPS Summary of Racial Profiling Agreement and the ACLU report *Driving While Black or Brown: An Analysis of Racial Profiling in Arizona*, dated January 2008 in the memo presented to the Governor along with the recommendations to the Governor;

Board member Tomizuka second; Motion passed unanimously.

**Board Forum:** The Board discussed potential Agenda items for next meeting: 1) view the in-service video related to racial profiling; 2) meet with Cincinnati group; 3) Invite the City of Tucson police review board to make a presentation; 4) Invite DPS and Marco Lopez, Governor's Senior Advisor to make a presentation on border issues in immigration; 5) review consent to search form; 6) review members of subcommittees resumes.

**6. Next Meeting Date:** Friday, April 18, 2008, Tucson

**7. Call To Adjourn:** Meeting adjourned at 3:45 p.m.

**ACTION:** Chairman Hannah motioned to adjourn; member Archuleta seconded the motion, and the motion passed unanimously.

*Meeting minutes transcribed by:*  
*Ms. Laretta Ayres*  
*Boards and Commissions*  
*Office of the Governor*